

**IN THE CLAIMS:**

The text of all pending claims, (including withdrawn claims) is set forth below. Cancelled and not entered claims are indicated with claim number and status only. The claims as listed below show added text with underlining and deleted text with ~~strikethrough~~. The status of each claim is indicated with one of (original), (currently amended), (cancelled), (withdrawn), (new), (previously presented), or (not entered).

Please AMEND claim 6 in accordance with the following:

1-5. (Cancelled)

6. (Currently Amended) An apparatus detecting an optical disc, comprising:  
a weight detection unit detecting a weight of the optical disc inserted in a disc drive to determine whether the optical disc has a first size or a second size less than the first size;  
a comparison unit comparing an amount of data recorded on the optical disc from the lead-in area of the optical disc with a reference value; and  
a disc detection unit detecting a size of ~~an~~ the optical disc between the first size and the second size when the optical disc is determined, based on the detected weight, to not have the second size less than the first size, the disc detection unit detecting the size of the optical disc by detecting, based on the comparison, whether the amount of data recorded on the optical disc is greater than the reference value, the disc detection unit determining that the optical disc has the first size when the amount of data is detected to be greater than the reference value,  
wherein the apparatus moves a pickup to a periphery area of the optical disc when the amount of data is detected to not be greater than the reference value to measure a focus error, the disc detection unit determines that the optical disc has the first size when the focus error is measured to be above a constant value and determines that the optical disc has the second size less than the first size when the focus error is measured to not be above the constant  
~~value according to the weight detected via the weight detection unit, determining the size of the optical disc by detecting the amount of data recorded on the optical disc from a lead-in area of the optical disc when the disc drive is driven, if determined as a result of the comparison via the comparison unit that the amount of data recorded on the optical disc is below the reference value, moving a pickup to a periphery area and measuring a focus error, and if the measured focus error is below a constant value, detecting the optical disc as a fashion disc type having diameters of 8 cm.~~

7. (Previously Presented) The apparatus of claim 6, wherein the detection unit includes:

a first disc detection unit that detects the size of the disc according to the weight detected via the weight detection unit;

a second disc detection unit that determines the size of the optical disc by detecting the amount of data recorded on the optical disc from the lead-in area of the optical disc when the disc drive is driven; and

a third disc detection unit that moves the pickup to the periphery area and measures the focus error, if it is determined as the result of the comparison via the comparison unit that the amount of data recorded on the optical disc is above the reference value, and detects the optical disc as the fashion disc type, if the measured focus error is below the constant value.

8. (Previously Presented) The apparatus of claim 7, wherein the first disc detection unit detects the optical disc as either a standard disc having a diameter of 12 cm or a disc having a diameter of 8 cm according to the weight of the optical disc.

9. (Previously Presented) The apparatus of claim 7, wherein the second disc detection unit detects the optical disc as any one disc among a standard disc having a diameter of 12 cm on which data is fully recorded, a standard disc having a diameter of 12 cm on which data is partially recorded, and a disc having a diameter of 8 cm according to the amount of data recorded on the optical disc.

10. (Previously Presented) The apparatus of claim 7, wherein the third disc detection unit detects the optical disc as a fashion disc if the measured focus error is below the constant value and as a standard disc having a diameter of 12 cm on which data is partially recorded if the measured focus error is above the constant value.

11-29. (Cancelled)